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09/859,665	05/18/2001	Robert Cosmo Di Luccio	KCC-15,512	3343

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EXAMINER

ANDERSON, CATHARINE L

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/859,665
Filing Date: May 18, 2001
Appellant(s): LUCCIO ET AL.

MAILED
DEC 14 2005
Group 3700

Maxwell J. Peterson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 25 August 2005 appealing from the Office action mailed 23 March 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,177,607	BLANEY et al.	1-2001
6,562,192	HAMILTON et al.	5-2003

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Shanghai NICHEM Co., Ltd. "Water Soluble Chitosan"

www.nicechem.net/Water_Soluble_Chitosan.htm [Nov 21, 2005]

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6, 8-12, 14, 32-34, 36-41, and 44 are rejected under 35

U.S.C. 102(e) as being anticipated by Blaney et al. (6,177,607).

Blaney discloses a method of treating a personal care absorbent article with a treatment chemistry, as disclosed in column 6, lines 29-43, and contacting the article with viscoelastic fluid, as disclosed in column 1, lines 23-26. The treatment chemistry is a water-soluble gelling agent which crosslinks protein, chitosan, as disclosed in column 6, line 38. The article includes a polyolefin cover sheet 21, as disclosed in column 5, lines 59-60, a backsheet 16, and an absorbent core 17, as shown in figure 2.

With respect to claim 2, the article is a sanitary napkin, and therefore the viscoelastic fluids will be menses.

With respect to claim 3, the treatment chemistry is in the form of solid particles.

With respect to claim 4, the treatment chemistry is comprised in the absorbent core 17, and therefore is uniformly dispersed on a portion of the interior of the article.

With respect to claim 6, the treatment chemistry is disposed in the absorbent core 17, which includes the peripheral region.

With respect to claims 8 and 9, the absorbent core 17 comprises a nonwoven web comprising a plurality of polymeric fibers, as disclosed in column 6, lines 6-11, and further comprises the treatment chemistry.

With respect to claim 10, the treatment chemistry is disposed in the absorbent core 17 and therefore forms a gradient within the article.

With respect to claim 11, the treatment chemistry comprises the water-soluble gelling agent, chitosan, and further comprises a superabsorbent, as disclosed in column 6, lines 41-43.

With respect to claim 12, the article comprises a nonwoven web material comprising a bonded carded web, as disclosed in column 5, lines 62-63.

With respect to claim 14, the nonwoven material forms a laminate with layer 13, as shown in figure 2.

With respect to claims 32 and 34, the treatment chemistry is chitosan, which is a water-soluble polyglycan gelling agent.

With respect to claim 33, a superabsorbent is disposed within the nonwoven material, as disclosed in column 6, lines 41-43.

With respect to claim 36, the treatment chemistry is comprised in the absorbent core 17, which comprises a plurality of polymeric fibers forming a nonwoven material, as disclosed in column 6, lines 1-11.

With respect to claim 37, the nonwoven material is meltblown or bonded carded, as disclosed in column 6, lines 1-11.

With respect to claim 38, the nonwoven material further comprises layer 13, as shown in figure 2.

With respect to claim 39, the treatment chemistry is dispersed on only layer 17.

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With respect to claim 40, since the treatment chemistry is dispersed on only layer 17 and not layer 13, it is non-homogenously dispersed within the nonwoven material.

With respect to claim 41, the treatment chemistry is mixed with the fibers of the absorbent core 17, and therefore is disposed on the surface of the fibers.

With respect to claim 44, the treatment chemistry is disposed within the entire absorbent core 17, and therefore is applied to the opposed edges, ends, and center.

Claims 15-20 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al. (6,562,192).

With respect to claim 15, Hamilton discloses a method comprising forming a tampon including a nonwoven web material and dispersing within the nonwoven nits comprising a treatment chemistry, as disclosed in column 47, lines 33-40, and contacting the treatment chemistry with menses, as disclosed in column 7, lines 44-48. The treatment chemistry comprises chitosan, as disclosed in column 25, lines 25-42, which is a water-soluble gelling agent which crosslinks protein.

With respect to claim 16, the treatment chemistry is in the form of particles, as disclosed in column 25, lines 39-40.

With respect to claim 17, the treatment chemistry is uniformly dispersed within a portion of the interior of the nonwoven, as disclosed in column 30, lines 55-57.

With respect to claim 18, the tampon comprises a plurality of nonwoven material layers, as disclosed in column 47, lines 36-40.

With respect to claim 19, the treatment chemistry is not dispersed on the nonwoven coverstock material, as disclosed in column 47, lines 36-40.

With respect to claim 20, the treatment chemistry is dispersed non-homogeneously, as disclosed in column 30, lines 55-57.

With respect to claim 23, the nonwoven web material is airlaid, as disclosed in column 47, lines 36-40.

With respect to claim 24, the treatment chemistry comprises a water-soluble gelling agent, as disclosed in column 25, lines 39-40, and a superabsorbent, as disclosed in column 29, lines 54-55.

With respect to claims 25-26, the treatment chemistry is a polyglycan water-soluble gelling agent, chitosan.

(10) Response to Argument

In response to the Appellant's argument that Blaney does not disclose a water-soluble agent, it is noted that Blaney discloses chitosan, which is naturally water soluble. Blaney discloses in column 6, lines 35-38, natural polymers such as chitosan. Chitosan, in a natural, unmodified state, is water soluble, as are a number of the materials disclosed therewith. The water solubility of chitosan is evidenced by the enclosed commercial documents in the appendix. These documents are in no way applied in a new grounds of rejection, but are cited to show the water solubility of chitosan. The disclosure by Blaney in column 6, lines 19-21, that the superabsorbent polymer may be an organic compound such as cross-linked polymers, does not explicitly teach that every organic compound selected by Blaney must be a cross-linked

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polymer. Blaney does explicitly teach chitosan, which is a water-soluble material, and thus fulfills the limitations of the instant claims.

In response to the Appellant's argument that Hamilton does not disclose the step of dispersing a treatment chemistry on a surface of a nonwoven web material, it is noted that Hamilton discloses in column 47, lines 33-40, dispersing nits within a layer of airlaid or fluff batt. The nits disclosed by Hamilton are described in column 25, lines 25-42, as comprising chitosan, which is a treatment chemistry in the form of a water-soluble gelling agent. The airlaid or fluff batt disclosed by Hamilton is a nonwoven web of pulp fibers. The nits, or treatment chemistry, are surrounded by and contained by the nonwoven web, as disclosed in column 47, lines 33-40, and therefore are in contact with the surface of the nonwoven web. Therefore, Hamilton discloses the step of dispersing a treatment chemistry on a surface of a nonwoven web material.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

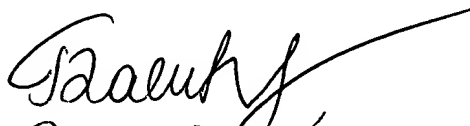
Respectfully submitted,

C. Lynne Anderson



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Tanya Zalukaeva



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